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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/530,948      | 05/15/2000  | MARC BAVANT          | 0154-2903-2         | 6625             |

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EXAMINER

HOANG, THAI D

ART UNIT PAPER NUMBER

2667

11

DATE MAILED: 02/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/530,948

Applicant(s)

BAVANT ET AL.

Examiner

Thai D Hoang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 12/03/2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-7 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 1 is rejected under 35 U.S.C. 102(a) as being unpatentable over Civanlar et al., US patent No. 5,996,021.

Regarding claim 1, Civanlar discloses an internetwork relay system and method for transmitting IP traffic including an edge and a core. Civanlar teaches that source host 10 wishes to send a packet to destination host 20 which is outside the local IP subnet ("LIS") of the source host 10. First, the source host 10 sends the packet to router 11 across ATM switch 12 designated in FIG. 1 as path-1. Establishment of path-1 over the ATM network is accomplished by source host 10 translating the IP address of router 11 to an ATM address in order to build a virtual path to router 11. The Classical IP Over ATM model provides ARP (Address Resolution Protocol) server 13 which performs an IP to ATM address translation for all registered hosts and routers within a logical IP Subnet (LIS). In this example, source 10 sends an address resolution request to ARP server 13 for the ATM address corresponding to the IP address of router 11 in the same LIS. In turn, ARP server 13 sends an address resolution response with information associated with the ATM address corresponding to router 11. Thereafter, source 10 builds path-1 across the ATM network to the ATM address of router 11. In

turn, router 11 makes a determination that the next hop for transmission of the packet is router 14 and forwards the packet to router 14, across ATM switches 12 and 15, designated as path-2, discovering router 14's ATM address using ARP server 16. Similarly, router 14 forwards the packet through ATM switches 15 and 17, designated as path-3 in FIG. 1, to router 17 using ARP server 19. Router 17 in turn makes a determination that it is the last hop router on the path to destination 20. Moreover, each router along the packet's transmission path determines the next hop router toward its destination. This requires each router to perform Layer-3 processing on the packet to inspect the destination IP address and derive the next hop router from routing tables determined by a routing protocol and stored in each router. Furthermore, this system also includes IP to ATM address mapping steps, one in each ARP server, and four ATM switched virtual path (SVC) establishment steps along the path between the source host 10 and destination host 20; col. 1, line 50 – col. 2, line 34. Furthermore, Civanlar discloses that the forwarding table in each node is also dynamically updated based on the topology or link-state of the network. Thus, when the topology of the network is changed by the addition or subtraction a node the optimal paths across the core network may change and the forwarding tables change accordingly; col. 9, lines 54-59. Therefore, the method disclosed by Civanlar comprises all of limitations as recited in claim 1.

***Allowable Subject Matter***

Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5-7 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Civanlar et al., US Patent No. 5,996,021 disclose an internetwork relay system and method for transmitting IP traffic. Civanlar does not teach or fairly suggest the following features, which are recited in each independent claim of the present application:

A process for relaying IP frames as Protocol Data unit (PDU) application frames within an ATM switch with a distributed architecture and egress storage comprising a management module and plural ingress and egress junctors having a routing emulation, function ensuring IP frame routing between users of emulated local area network (ELAN) media, wherein each of the ELAN media is represented by a router LAN Emulation Client (LEC) module, the process comprising the step of:

*(a) performing a first and second translations, wherein the first translation in each of the ingress junctors transforms a first logical path number between a first user and the LEC module of the router relating to the emulated local area network ELAN media to which the first user belongs and the IP address of a destination of each of the PDU application frames originating from the first user applied to the ingress of a junctor into*

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*an internal index number and an identifier number of an egress junctor, and wherein the second translation in each of the egress junctors transforms the internal index number into a second logical path number associated in an egress junctor with a direct connection between a second user and a corresponding router LEC module and a queue number for the egress junctor allocated to the first and second users as recited in claim 5.*

*(b) dynamically allocating internal indices and the egress queues in conjunction with updating of ingress translation caches; and using a mode for arbitration in PDU mode between the queues to ensure transmission of the cells without interleaving of the PDU application frames as recited in claim 7.*

### **Response to Arguments**

In response to applicant's arguments on page 10 of the remarks filed on 12/03/2003, the recitation "*a frame relay function that is offloaded into the ATM layer of junctors that include cache tables within the ATM switch*" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai D Hoang whose telephone number is (703) 305-3232. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (703) 305-4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thai Hoang

  
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TECHNOLOGY CENTER 2600 2/17/08